

**Introduced by Senator Rainey**

February 25, 1997

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An act to amend Sections 6704, 6711, 6712, 6730, 6738, 6740, 6756, and 6787 of, and to add Sections 6702.3, 6734.3, and 6735.7 to, the Business and Professions Code, relating to engineering.

LEGISLATIVE COUNSEL'S DIGEST

SB 704, as introduced, Rainey. Chemical engineers.

Existing law provides for the licensing and regulation of professional engineers by the State Board of Registration for Professional Engineers and Land Surveyors. The law prohibits any person from practicing civil, electrical, or mechanical engineering unless he or she is registered, and prohibits any person from using specific titles related to engineering, unless authorized by the board.

This bill would prohibit any person from engaging in the practice of chemical engineering unless registered by the board, would revise the membership of the board by replacing a public member with a chemical engineer member, and would make related changes.

This bill would also state legislative intent.

The bill would impose a state-mandated local program by adding a new crime since a violation of the Professional Engineers Act constitutes a misdemeanor.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. (a) The purpose of this act is to protect  
2 the health, safety, environment, and welfare of the  
3 people of California through a stringent licensing and  
4 enforcement program. This act recognizes that the  
5 practice of chemical engineering has the potential to  
6 affect the health and welfare of the public and that this  
7 practice should be regulated with the same requirements  
8 as are currently in place for civil, electrical, and  
9 mechanical engineering.

10 The practice of chemical engineering is vital to many  
11 different industries in the State of California. The primary  
12 employers of chemical engineers are the process  
13 industries (petroleum, chemical, pharmaceutical, food,  
14 paper, and other manufacturing industries) and those  
15 companies involved in environmental remediation and  
16 pollution prevention. It is the purpose of this act to  
17 provide the most competent and experienced  
18 professionals to design, construct, and operate the  
19 equipment and plants of the complex process industry. It  
20 is also the purpose of this act to provide the most  
21 competent and experienced professionals to deal with the  
22 issues of soil, water, and air pollution that are seriously  
23 threatening California's environment.

24 (b) It is the intent of this act to require that those  
25 persons practicing in the field of chemical engineering be  
26 tested and certified by the state at the highest levels  
27 possible before licensure. This licensure is necessary for  
28 these highly skilled unique professionals whose work  
29 integrates the fields of physics (mechanics,  
30 thermodynamics, and fluid dynamics) with those of  
31 chemistry (reaction kinetics, inorganic and organic  
32 reactions, and physical chemistry) to enable them to  
33 design, operate, and control chemical processes,



1 remediate past environmental mistakes, and prevent  
2 future environmental deterioration.

3 Further, it is the intent of the Legislature to provide, to  
4 the extent practicable, through this act, assurance to the  
5 citizens of this state that the best, most educated, and  
6 experienced individuals as can be ascertained through a  
7 licensure process shall be engaged in the important work  
8 of the design and management of chemical processes, in  
9 the cleanup of our environment, and in the prevention of  
10 future environmental deterioration.

11 SEC. 2. Section 6702.3 is added to the Business and  
12 Professions Code, to read:

13 6702.3. “Chemical engineer,” as used in this chapter,  
14 means a professional engineer in the branch of chemical  
15 engineering and refers to one who practices or offers to  
16 practice chemical engineering in any of its phases.

17 SEC. 3. Section 6704 of the Business and Professions  
18 Code is amended to read:

19 6704. In order to safeguard life, health, property, and  
20 public welfare, no person shall practice civil, electrical, ~~or~~  
21 mechanical, *or chemical* engineering unless  
22 appropriately registered or specifically exempted from  
23 registration under this chapter, and only persons  
24 registered under this chapter shall be entitled to take and  
25 use the titles “consulting engineer,” “professional  
26 engineer,” or “registered engineer,” or any combination  
27 of those titles, and according to registration with the  
28 board the engineering branch titles specified in Section  
29 6732, or the authority titles specified in Section 6763, or  
30 “engineer-in-training.”

31 The provisions of this ~~act~~ *chapter* pertaining to  
32 registration of professional engineers other than civil  
33 engineers, do not apply to employees in the  
34 communication industry; nor to the employees of  
35 contractors while engaged in work on communication  
36 equipment; however, those employees may not use any  
37 of the titles listed in Section 6732 unless registered.

38 ~~The provisions of this~~

39 *This* section shall not prevent the use of the title  
40 “consulting engineer” by a person who has qualified for

1 and maintained exemption for using that title under ~~the~~  
2 ~~provisions of~~ Section 6732.1, or by a person licensed as a  
3 photogrammetric surveyor.

4 SEC. 4. Section 6711 of the Business and Professions  
5 Code is amended to read:

6 6711. Each member of the board shall be a citizen of  
7 the United States. ~~Five~~ *Six* members shall be registered  
8 under this chapter. One member shall be licensed under  
9 the Land Surveyors' Act, Chapter 15 (commencing with  
10 Section 8700) of this division, and ~~seven~~ *six* shall be public  
11 members who are not registered under this act or  
12 licensed under the Land Surveyors' Act. Each member,  
13 except the public members, shall have at least 12 years  
14 active experience and shall be of good standing in his *or*  
15 *her* profession. Each member shall be at least 30 years of  
16 age, and shall have been a resident of this state for at least  
17 five years immediately preceding his *or her* appointment.

18 SEC. 5. Section 6712 of the Business and Professions  
19 Code is amended to read:

20 6712. All appointments to the board shall be for a term  
21 of four years. Vacancies shall be filled by appointment for  
22 the unexpired term. Each appointment thereafter shall  
23 be for a four-year term expiring on June 1 of the fourth  
24 year following the year in which the previous term  
25 expired.

26 Each member shall hold office until the appointment  
27 and qualification of his or her successor or until one year  
28 shall have elapsed since the expiration of the term for  
29 which he or she was appointed, whichever first occurs. No  
30 person shall serve as a member of the board for more than  
31 two consecutive terms.

32 The Governor shall appoint professional members so  
33 that one is licensed to practice engineering as a civil  
34 engineer, one as an electrical engineer, one as a  
35 mechanical engineer, *one as a chemical engineer*,  
36 another is authorized to use the title of structural  
37 engineer, and one is a member of one of the remaining  
38 branches of engineering.

39 The Governor shall appoint ~~five~~ *four* of the public  
40 members and the professional members qualified as



1 provided in Section 6711. The Senate Rules Committee  
2 and the Speaker of the Assembly shall each appoint a  
3 public member.

4 SEC. 6. Section 6730 of the Business and Professions  
5 Code is amended to read:

6 6730. In order to safeguard life, health, property and  
7 public welfare, any person, either in a public or private  
8 capacity, except as in this chapter specifically excepted,  
9 who practices, or offers to practice, civil engineering,  
10 electrical engineering or mechanical engineering, *or*  
11 *chemical engineering* in any of its branches in this state,  
12 including any person employed by the State of California,  
13 or any city, county, or city and county, who practices  
14 engineering, shall submit evidence that he is qualified to  
15 practice, and shall be registered accordingly as a civil  
16 engineer, electrical engineer ~~or~~, mechanical engineer, *or*  
17 *chemical engineer* by the board.

18 SEC. 7. Section 6734.3 is added to the Business and  
19 Professions Code, to read:

20 6734.3. Any person who practices chemical  
21 engineering when he or she professes to be a chemical  
22 engineer or is in responsible charge of chemical  
23 engineering work.

24 SEC. 8. Section 6735.7 is added to the Business and  
25 Professions Code, to read:

26 6735.7. All chemical engineering plans, specifications,  
27 reports, or documents prepared by a registered chemical  
28 engineer or by a subordinate under his or her direction  
29 shall be signed by the engineer to indicate his or her  
30 responsibility for them. In addition to his or her signature,  
31 the engineer shall show his or her registration number or  
32 the stamp of his or her seal.

33 SEC. 9. Section 6738 of the Business and Professions  
34 Code is amended to read:

35 6738. (a) This chapter does not prohibit one or more  
36 civil, electrical, ~~or~~ mechanical, *or chemical* engineers  
37 from practicing or offering to practice within the scope  
38 of their registration, civil, electrical, ~~or~~ mechanical, *or*  
39 *chemical* engineering as a sole proprietorship,

1 partnership, firm, or corporation, (hereinafter called  
2 business), if all of the following requirements are met:

3 (1) A civil, electrical, ~~or~~ mechanical, *or chemical*  
4 engineer currently registered in this state is an owner,  
5 part owner, or officer in charge of the engineering  
6 practice of the business.

7 (2) All engineering plans, specifications, reports, and  
8 documents are prepared under the responsible charge of  
9 a registered engineer in the appropriate branch of  
10 professional engineering.

11 (3) The business name of a California business shall  
12 only contain the name of any person who is registered by  
13 the board in a branch of professional engineering, a  
14 licensed land surveyor, a licensed architect, or a geologist  
15 registered under the Geologist Act (Chapter 12.5  
16 (commencing with Section 7800)). Any offer, promotion,  
17 or advertisement by the business ~~which~~ *that* contains the  
18 name of any individual in the business, other than by use  
19 of the name of an individual in the business name, shall  
20 clearly and specifically designate the license or  
21 registration discipline of each individual named. An  
22 out-of-state business with a branch office in this state shall  
23 have a part owner or officer who is in charge of the  
24 engineering work in the branch in this state, who is  
25 registered in this state, and who is physically present at  
26 the branch office in this state on a regular basis. However,  
27 the name of the business may contain the name of any  
28 person not registered in this state if that person is  
29 appropriately registered in another state. Any offer,  
30 promotion, or advertisement ~~which~~ *by the business that*  
31 contains the name of any individual in the business, other  
32 than by use of the names of the individuals in the business  
33 name, shall clearly and specifically designate the license  
34 or registration discipline of each individual named.

35 (b) A fictitious name may be used for an engineering  
36 business if (1) the name does not conflict with paragraph  
37 (3) of subdivision (a) requiring that names used in the  
38 business name shall be appropriately registered  
39 individuals, and (2) an organization record form is filed  
40 with the board.



(c) A nonregistered person may also be a part owner or an officer of a civil, electrical, ~~or~~ mechanical, *or chemical* engineering business if the requirements of subdivision (a) are met.

(d) This chapter does not prevent an individual or business engaged in any line of endeavor other than the practice of civil, electrical, ~~or~~ mechanical, *or chemical* engineering from employing or contracting with a registered civil, electrical, ~~or~~ mechanical, *or chemical* engineer to perform the respective engineering services incidental to the conduct of business.

(e) This section shall not prevent the use of the name of any business engaged in rendering civil, electrical, ~~or~~ mechanical, *or chemical* engineering services, including the use by any lawful successor or survivor, ~~which—that~~ lawfully was in existence on December 31, 1987. However, the business is subject to paragraphs (1) and (2) of subdivision (a), and the business shall file an organization record form with the board as designated by board rule.

(f) A business engaged in rendering civil, electrical, ~~or~~ mechanical, *or chemical* engineering services may use in its name the name of a deceased or retired person provided all of the following conditions are satisfied:

(1) The person's name had been used in the name of the business, or a predecessor in interest of the business, prior to and after the death or retirement of the person.

(2) The person shall have been an owner, part owner, or officer of the business, or an owner, part owner, or officer of the predecessor in interest of the business.

(3) The person shall have been licensed as a professional engineer, or a land surveyor, or an architect, or a geologist, (A) by the appropriate licensing board if that person is operating a place of business or practice in this state, or (B) by the applicable state board in the event no place of business existed in this state.

(4) The person, if retired, has consented to the use of the name and does not permit the use of the name in the title of another professional engineering business in this state during the period of the consent. However, the

1 retired person may use his or her name as the name of a  
2 new or purchased business if it is not identical in every  
3 respect to that person's name as used in the former  
4 business.

5 (5) The business shall be subject to ~~the provisions of~~  
6 paragraphs (1) and (2) of subdivision (a).

7 (6) The business files a current organization record  
8 form with the board.

9 (g) This section does not affect the provisions of  
10 Sections 6731.2 and 8726.1.

11 SEC. 10. Section 6740 of the Business and Professions  
12 Code is amended to read:

13 6740. A subordinate to a civil, electrical ~~or~~  
14 mechanical, *or chemical* engineer registered under this  
15 chapter, or a subordinate to a civil, electrical ~~or~~  
16 mechanical, *or chemical* engineer exempted from  
17 registration under this chapter, insofar as he *or she* acts  
18 solely in ~~such~~ *that* capacity, is exempt from registration  
19 under ~~the provisions of~~ this chapter. This exemption,  
20 however, does not permit any ~~such~~ subordinate to  
21 practice civil, electrical ~~or~~ mechanical, *or chemical*  
22 engineering in his *or her* own right or to use the title,  
23 "civil engineer" or "structural engineer" or "electrical  
24 engineer" or "mechanical engineer" or "*chemical*  
25 *engineer*" or "soil engineer."

26 SEC. 11. Section 6756 of the Business and Professions  
27 Code is amended to read:

28 6756. (a) An applicant for certification as an  
29 engineer-in-training shall, upon making a passing grade  
30 in that division of the examination prescribed in Section  
31 6755 ~~of this chapter~~, relating to fundamental engineering  
32 subjects, be issued a certificate as an engineer-in-training.  
33 No renewal or other fee, other than the application fee,  
34 shall be charged for this certification. ~~Such~~ *This*  
35 certificate shall become invalid when the holder has  
36 qualified as a professional engineer as provided in Section  
37 6762 ~~of this chapter~~.

38 (b) An engineer-in-training certificate does not  
39 authorize the holder thereof to practice or offer to  
40 practice civil, electrical ~~or~~ mechanical, *or chemical*



1 engineering work, in his *or her* own right, or to use the  
2 titles specified in Section 6732.

3 SEC. 12. Section 6787 of the Business and Professions  
4 Code is amended to read:

5 6787. Every person is guilty of a misdemeanor and for  
6 each offense of which he or she is convicted is punishable  
7 by a fine of not more than one thousand dollars (\$1,000)  
8 or by imprisonment not to exceed three months, or by  
9 both fine and imprisonment:

10 (a) Who, unless he or she is exempt from registration  
11 under this chapter, practices or offers to practice civil,  
12 electrical, ~~or~~ mechanical, *or chemical* engineering in this  
13 state according to ~~the provisions of~~ this chapter without  
14 legal authorization.

15 (b) Who presents or attempts to file as his or her own  
16 the certificate of registration of another.

17 (c) Who gives false evidence of any kind to the board,  
18 or to any member thereof, in obtaining a certificate of  
19 registration.

20 (d) Who impersonates or uses the seal of any other  
21 practitioner.

22 (e) Who uses an expired or revoked certificate of  
23 registration.

24 (f) Who shall represent himself or herself as, or use the  
25 title of, registered civil, electrical, ~~or~~ mechanical, *or*  
26 *chemical* engineer, or any other title whereby ~~such~~ *that*  
27 person could be considered as practicing or offering to  
28 practice civil, electrical, ~~or~~ mechanical, *or chemical*  
29 engineering in any of its branches, unless he or she is  
30 correspondingly qualified by registration as a civil,  
31 electrical, ~~or~~ mechanical, *or chemical* engineer under this  
32 chapter.

33 (g) Who, unless appropriately registered, manages, or  
34 conducts as manager, proprietor, or agent, any place of  
35 business from which civil, electrical, ~~or~~ mechanical, *or*  
36 *chemical* engineering work is solicited, performed, or  
37 practiced.

38 (h) Who uses the title, or any combination of ~~such~~ *the*  
39 title, of “professional engineer,” “registered engineer,”  
40 or the branch titles specified in Section 6732, or the

1 authority titles specified in Section 6763, or  
2 “engineer-in-training,” or who makes use of any  
3 abbreviation of ~~such that~~ title ~~which that~~ might lead to  
4 the belief that he or she is a registered engineer, without  
5 being registered as required by this ~~act~~ chapter.

6 (i) Who uses the title “consulting engineer” without  
7 being registered as required by this ~~act~~ chapter or  
8 without being authorized to use ~~such that~~ title pursuant  
9 to legislation enacted at the 1963, 1965, or 1968 Regular  
10 Session.

11 (j) Who violates any provision of this chapter.

12 SEC. 13. Notwithstanding any other provision of this  
13 act, any chemical engineer who is registered with the  
14 State Board of Registration for Professional Engineers  
15 and Land Surveyors, under the title “chemical engineer,”  
16 on April 1, 1998, shall be deemed registered from that  
17 date forward under Section 6704. In order to be deemed  
18 to be so registered, the chemical engineer registration  
19 with the board shall be current and in good standing.

20 SEC. 14. Nothing contained in this act restricts the  
21 scope of practice of engineers registered pursuant to  
22 Chapter 7 (commencing with Section 6700) of Division  
23 3 of the Business and Professions Code.

24 SEC. 15. No reimbursement is required by this act  
25 pursuant to Section 6 of Article XIII B of the California  
26 Constitution because the only costs that may be incurred  
27 by a local agency or school district will be incurred  
28 because this act creates a new crime or infraction,  
29 eliminates a crime or infraction, or changes the penalty  
30 for a crime or infraction, within the meaning of Section  
31 17556 of the Government Code, or changes the definition  
32 of a crime within the meaning of Section 6 of Article  
33 XIII B of the California Constitution.

34 Notwithstanding Section 17580 of the Government  
35 Code, unless otherwise specified, the provisions of this act  
36 shall become operative on the same date that the act  
37 takes effect pursuant to the California Constitution.